

Application No. 10/781,489
Amendment dated August 2, 2006
Response to Office Action dated April 20, 2006

Amendments to the Drawings:

The attached sheet of drawings includes replacement Figure 1. Replacement Figure 1 has been appropriately amended as requested by the Office Action. Specifically, Figure 1 has been amended to correct the typographic errors related to the reference numbers. Applicants believe that this amendment clarifies Figure 1.

Attachment: Replacement Figure 1

REMARKS/ARGUMENTS

Claims 1-20 remain in this application for further review. Claims 1, 2, 15 and 18 have been amended as set forth above to clarify elements of the claims. No new matter has been added. Applicants believe that the claims are in condition for allowance and respectfully request Notice of the same.

I. Objection to the Drawings

The drawings are objected to as failing to comply with 37 C.F.R. 1.84(p)(4) because multiple elements had the same reference number. FIGURE 1 has been amended as set forth above and a Replacement Sheet is attached hereto in the Appendix. The specification has also been amended to correspond to the changes in FIGURE 1. Applicants believe that the Objection to the Drawings has been remedied.

II. Rejection of claims 1-14 under 35 U.S.C. 112, Second Paragraph

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "without user input" has been amended as set forth above to overcome the rejection.

III. Rejection to claims 1-20 under 35 U.S.C. 102(b) and 103(a)

Claims 1-3, 5, 10-12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,133,076 issued to Hawkins et al. (hereinafter "Hawkins"). Claims 4, 6-9, 13, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins in view of U.S. Patent Number 5,063,376 issued to Chang (hereinafter "Chang"). Applicants respectfully disagree with the rejection. The claims have been amended as set forth above to clarify elements of the claims. Along with other elements in the claim, independent claim 1 includes the following elements not taught or otherwise suggested by the cited references:

"initiating use of a pen-based input device *by detecting that the pen-based input device is proximal a screen*"

"in response to initiating use of a pen-based input device, *automatically switching from the selection-based input mode to a pen-based input mode without a user input associated with an input mode button*"

Applicants assert that at least the above elements are not taught or otherwise suggested by the cited references. Contrary to the language in claim 1, Hawkins teaches away from the aforementioned elements. Hawkins teaches as follows:

If an actual keyboard is connected to the computer, a false signal, reset when the computer is initialized or when the KPEP is terminated, on the KB type line indicates that the computer is not in the keyboard emulation mode, disables the second register 438, enables the first register 428, closes the second AND gate 444, and opens the first AND gate 442. In a PC-XT the scan code from the keyboard is serially shifted into the first shift register 428 through the KBI line 430. When the entire scan code has been shifted the first register 428 automatically generates a hardware interrupt signal on the first interrupt line 436. In response to this interrupt, a standard PC-XT interrupt service routine reads the data from I/O port address 426H and services the interrupt. The interrupt service routine processes the scan code stored in the first register 428 and issues an end of interrupt (EOI) signal to reset the interrupt generated by the first register 428. Hawkins, at col. 12, lines 17-25 (emphasis added).

Here, Hawkins teaches a keyboard emulation program (KPEP) and an external keyboard device. Hawkins teaches the KB type line indicates that the computer is not in the keyboard emulation mode ***by initializing the computer or terminating the keyboard emulation program.*** Applicants can find no teaching or suggestion in Hawkins of "initiating use of a pen-based input device by detecting that the pen-based input device is proximal a screen." Also, applicants can find no teaching or suggestion that "in response to initiating use of a pen-based input device, automatically switching from the selection-based input mode to a pen-based input mode without a user input associated with an input mode button."

Moreover, Chang cannot be asserted against claim 1 to remedy the lack of teaching in Hawkins. The Office Action cites to Chang as teaching "... in response to initiating use of the mousing device, automatically switching from the pen-based input mode to the selection-based input

mode." *Office Action*, at pg. 9 (citing *Chang*, at, col. 7, lines 42-52) However, the cited portion of *Chang* recites as follows:

As described above, the numeric mouse 1 may also be used in its click mode just like conventional mouse pointing devices, wherein the "digit 4" key 24 is the click-type left key on a conventional numeric mouse, the "digit 5" key 25 is the center key and the "digit 6" key 26 is the right key on a conventional mouse.

As noted, software may be provided to discern whether the user desires to be in the "click" or analog mode depending on what the mouse is pointing to on the screen and what type of applications program is being run. *Chang*, at col. 7, lines 42-52.

Here, *Chang* teaches two modes of a mouse. Applicants assert that the above teaching does not implicate what is propounded in the Office Action. Stated another way, applicants can find no teaching or suggestion in the above portion of *Chang* or any other portion of *Chang* of the element "... in response to initiating use of the mousing device, automatically switching from the pen-based input mode to the selection-based input mode." Also, applicants cannot find any teaching of the elements of claim 1. Accordingly, applicants assert that claim 1 is allowable over the cited references.

Along with other elements in the claim, independent claim 15 includes the following elements not taught or otherwise suggested by the cited references:

"initiating use of a computer-enabled electronic pen *when the electronic pen is engaged with a computer-enabled display screen* operative to receive input from the electronic pen"

"in response to initiating use of the computer-enabled electronic pen, *automatically switching from the selection-based input mode to a pen-based input mode without a user input associated with an input mode button*"

"initiating use of a mousing device *by moving the mousing device*"

"in response to initiating use of the mousing device, *automatically switching from the pen-based input mode to the selection-based input mode without a user input associated with an input mode button*"

With regard to independent claim 15, applicants rely on, at least, the arguments set forth above. Along with other elements in the claim, independent claim 18 includes the following elements not taught or otherwise suggested by the cited references:

"initiating use of a pen-based input device by *detecting an engagement* with a computer-enabled display screen"

"in response to initiating use of a pen-based input device, *automatically switching from the selection-based input mode to a pen-based input mode without a user input associated with an input mode button*"

"initiating use of a selection-based input device *by detecting a movement* of the selection-based input device"

"in response to initiating use of a selection-based input device, *automatically switching from the pen-based input mode back to the selection-based input mode without a user input associated with an input mode button*"

With regard to independent claim 18, applicants rely on, at least, the arguments set forth above. Applicants believe that claims 2-14, 16-17 and 19-20 include elements not taught or otherwise suggested by the cited references. Also, claims 2-14, 16-17 and 19-20 ultimately depend from independent claims 1, 15 and 18, respectively. As such, applicants believe that the dependent claims should be found allowable for at least the same reasons set forth above in support of the independent claims.

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

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Respectfully submitted,

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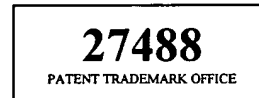


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APPENDIX